



## Early Journal Content on JSTOR, Free to Anyone in the World

This article is one of nearly 500,000 scholarly works digitized and made freely available to everyone in the world by JSTOR.

Known as the Early Journal Content, this set of works include research articles, news, letters, and other writings published in more than 200 of the oldest leading academic journals. The works date from the mid-seventeenth to the early twentieth centuries.

We encourage people to read and share the Early Journal Content openly and to tell others that this resource exists. People may post this content online or redistribute in any way for non-commercial purposes.

Read more about Early Journal Content at <http://about.jstor.org/participate-jstor/individuals/early-journal-content>.

JSTOR is a digital library of academic journals, books, and primary source objects. JSTOR helps people discover, use, and build upon a wide range of content through a powerful research and teaching platform, and preserves this content for future generations. JSTOR is part of ITHAKA, a not-for-profit organization that also includes Ithaka S+R and Portico. For more information about JSTOR, please contact [support@jstor.org](mailto:support@jstor.org).

architecture. He treats at length the subject of book illumination, and expresses astonishment that the Keltic influences of Ireland, Iona, and Lindisfarne have so often been misconstrued as Saxon, Carolingian, or Norman. He returns more than once to the question of Ogam writing. Unfortunately the conjectures hazarded regarding it cannot all be accepted as aids toward the solution of this most interesting palæographical puzzle. His repeated statement that the grouping of strokes in the Ogmic alphabet in numbers from one to five shows connection with musical tones, and depends on the ancient quinqugrade scale is simply puerile. Of equal value is his opinion that the Morse telegraphic code is a reminiscence of Ogam writing. But his remark that the first group of consonants—viz., *H* represented by one stroke, *D* by two, *T* by three, *C* by four, and *Q* by five—are respectively the initials of the Irish numerals in cardinal reckoning (*a h-oen*, *a dó*, *a trí*, *a cethir*, *a cóic*) is noteworthy, and may supply a clue to the origin of this peculiar alphabetic scheme. The book, though extremely interesting, contains a number of statements for which no proof is adduced. It is written without division into chapters, and the illustrations of manuscript illuminated letters are merely rough sketches that entirely omit the essentials of detail.—RICHARD HENEBRY.

*Die Herkunft des Inquisitionsprocesses.* Von Dr. Richard Schmidt. (Freiburg i. Breisgau und Leipzig : Lorenz, 1902 ; pp. 56 ; M. 2.) The author is a professor of civil law in the university of Breisgau, Baden. The brochure was delivered as an address on the occasion of the fiftieth anniversary of the present Grand Duke Frederick. We are here taken into a realm to which, so far as I know, very little attention is given among us, the realm of canon law. The object of the author is not to present a phase of church legislation, but to fulfil the broader task of showing the stages in the development of the legal mode of procedure against misdemeanors and crime, dominated by the element known as *inquisitio*. Incidentally, the Inquisition of Innocent III. is introduced and its origin as a legal mode of procedure set forth. The central affirmation is that Innocent III. was not the author of the form of procedure known as the Inquisition. Innocent found that mode already in vogue and applied it to the treatment of heretics. Schmidt finds the beginning of the inquisitorial mode of procedure in the Carolingian legislation. Even before Charlemagne's time the term *inquisitio* was used as a legal term. But it was Charlemagne who, at the side of the arbitrary mode of pro-

cedure in vogue among the barons, established the principle that his officials in any territory, or persons whom they might choose to swear in, might look into and try (*inquirere*) alleged misdemeanors and crimes. Before that, this method had been applied in civil cases alone, as, for example, in the case of collection of revenue. This mode of procedure combined the idea of a popular court of inquiry and the idea of the prosecution of misdemeanor by the state official, without accuser. The new legislation involved a double method of bringing the derelict to justice and a double method of proving the misdemeanor. The new element, *inquisitio*, came to dominate in the legal procedure of all western Europe except England. It had for its leading features that public fame or rumor or suspicion (*publica fama, mala fama, clamor publicus, infamia*, etc.,) justifies the public official in instituting trial, seizing the suspect, presenting the case and adjudicating it. Through the Normans this new element went to England, but was never fully adopted there. In Normandy, before 1066, the king's bailiffs and provosts might make *aprise* and *enquête*—that is, institute inquisition. In doing so they went upon the basis of public fame or suspicion. Introduced by the Normans into England, this mode of procedure was definitely set aside under John by the new principles incorporated in Magna Charta. In the same way the Normans, in the eleventh century, carried the *inquisitio* with them to Sicily, and it came into vogue in Italian cities. From it Innocent drew for his treatment of heretics. To that treatment we have appropriated the term "the Inquisition." The canonical mode of procedure by *inquisitio* was derived from the civil mode, and not the civil custom from the legislation of Innocent, as it has been usual to assert (as, for example, by Biener, *Beiträge zur Geschichte des Inquisitionsprocesses*). What facts are there to justify Dr. Schmidt in coming to these conclusions? He finds in the Sicilian Constitutions of Frederick II., 1231, indications of the asserted earlier practice as introduced by the Normans into Italy. He also finds similarities between Frederick's legal terminology and the terminology used in England in the time of the Norman kings, such as *mala fama* and *fama publica accusatus*. These evidences are not so convincing as they might be, but the probabilities are strong. The general theory heretofore has been that the great Sicilian emperor took his legal mode of procedure from the great pope. But some German writers on law have surmised another state of the case, namely, that Innocent's inquisitorial method of procedure came down to him through some channel from the Carolingian

*inquisitio*. Schmidt endeavors to set forth the stages in the development. His treatment is consequential and takes strong hold upon the reader. It seems quite reasonable that, great as Lothario Conti was, he did not suddenly hit upon an altogether new mode of legal procedure. He had studied law in Bologna. Heresy was rather a new thing in Europe, but it is quite likely that he reached over to the civil customs of the age and adopted what was there in practice, the inquisitorial method of procedure. Schmidt says so much, and it looks as if he were right. He does not say that it is pleasant to have some of the evil charge made against the church transferred to the state. But it is, though he does not say so. The church will still have enough charges left to carry, even if Innocent was not the author of the mode of procedure known as the Inquisition. His responsibility is not thereby lessened before the bar of history for taking what the state offered and applying it to the heretical.—DAVID S. SCHAFF.

*The Rise and Development of Christian Architecture.* By Rev. Joseph Cullen Ayer, Jr., Ph.D., Lecturer in the Episcopal Theological School, Cambridge, Mass. (Milwaukee: The Young Churchman Co., 1902; pp. 64; \$1.50.) The author of this book has secured a certain advantage of precision by limiting its scope. To quote his own words, "he has merely taken a series of buildings that may be regarded as typical of the stages through which Christian architecture has passed and used them to illustrate the development of a great form of art." The attention of the reader is fixed therefore on a line of development, and he is not confused by being compelled to remember a multitude of buildings, of transitional steps, and of decorative features. The growth of architecture, the author holds, has been owing to the emergence of problems of construction and to endeavors to solve them, and he gives his treatise an attractive intellectual cast by confining it to these problems. The publishers have given his work a luxurious setting, and he is to be especially congratulated on the fine character of the illustrations. The book will be valuable as an introduction to the study of Christian architecture, for it will show the student a reason for every great change which has been made, and render it easy for him to understand the entire history.—*Beiträge zur Reformationsgeschichte aus Büchern und Handschriften der Zwickauer Ratsschulbibliothek.* Von Lic. Dr. Otto Clemen, Gymnasialoberlehrer in Zwickau. Zweites Heft. (Berlin: Schwetschke & Sohn, 1902; pp. 147; M. 4.) This is one of a multitude of books now appearing in Germany in